



September 25, 2012

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, D.C. 20554

RE: **Request for waiver** in WC Docket No. 10-90

Dear Ms. Dortch:

Pursuant to telephonic ex parte discussions with Wireline Competition Bureau staff on July 11, 2012 (ex partes attached), this filing is made on behalf of Arctic Slope Telephone Association Cooperative, Inc. (ASTAC)

Arctic Slope Telephone Association Cooperative, Inc. seeks correction of certain regression inputs for ASTAC, and/or an expedited waiver of benchmarking rules related to quantile regression analysis as detailed in the Commission's Order [12-646] released on April 25, 2012.

We respectfully submit that we have demonstrated good cause for said waiver as required by Section 1.3 of the Commission's rules, with the attached documentation that has been placed in the record.

As provided at 47 C.F.R. Section 1.3, the Commission's rules may be waived for good cause. The Commission has indicated in earlier rulings that it may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹ The Commission may also take into account consideration of hardship, equity, or more effective implementation of overall policy on an individual basis.² Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.³

As shown in the attached documentation, grant of relief to Arctic Slope Telephone Association Cooperative, Inc. is in the public interest, takes into account the issues in place at ASTAC, and addresses special circumstances that warrant this action.

¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (*WAIT Radio*); *Northeast Cellular*, 897 F.2d at 1166.

³ *Northeast Cellular*, 897 F.2d at 1166.

As required by the Commission's rules, this request for expedited waiver is now filed in the above referenced docket. If there are any questions, please call me on 503.612.4409.

Respectfully submitted,

Via ECFS 9/25/12

Jeffrey H. Smith
Vice-President and Division Manager, Western Region
Chairman of the Board of Directors

Copy to
Steve Merriam, Arctic Slope Telephone Association Cooperative, Inc.

Carol Matthey
Amy Bender
Patrick Halley

Attachments in ASTAC QRA waiver binder:

Corrected QRA inputs for ASTAC – version included is without Barrow exchange (file name is ASTAC_Calculation of HCLS Algorithm Step Limits_613001.pdf)

QRA Road Mile Certification (astac merriam signed cert 92512.pdf)
FCC ASTAC road mile cert attachment

* Arctic Construction and Maintenance Challenges on the North Slope

Ex parte of July 11, 2012 filed on July 13, 2012, including attachments for: (*) Google Earth verification of ASTAC lack of roads (ASTAC_Satellite imagery_613001.pdf); and BIA letter dated March 31, 1999

Ex parte of July 23, 2012 filed on July 25, 2012

Ex parte of August 27, 2012 from Anchorage meeting with Commissioner Rosenworcel, et al

* United States Department of the Interior Geological Survey map for tractor trails for ASTAC service territory – Barrow (A-4) Quadrangle, Alaska –North Slope Borough, 1:63 360 Series (Topographic), N7100 – W15618 / 15x36 (in paper copy file only)

* ASTAC_Road_Crossings_Count_613001.pdf

* ASTAC_Exchanges and Roads_613001.mpk

Note on certain enclosures:

Items noted with an asterisk (*) are contained only on the CD-Rom submission with the paper copy submitted to Ms. Amy Bender, as the files are either too large for or in a format incompatible with the FCC ECFS system.